

NEM:DJM

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA

- against -

JEAN RIVERA-MERCADO,

Defendant.

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR AN ARREST WARRANT

(18 U.S.C. § 922(g)(1) and 3551 et seq.)

25-MJ-14

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL MCCARTHY, being duly sworn, deposes and states that he is a Detective with the New York City Police Department (“NYPD”), and a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), duly appointed according to the law and acting as such.

On or about January 14, 2025, within the Eastern District of New York and elsewhere, the defendant JEAN RIVERA-MERCADO, knowing that he had been previously convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting interstate or foreign commerce a firearm, to wit: a Smith & Wesson M&P Shield .40 caliber semi-automatic pistol with serial number JBW2041.

(Title 18, United States Code, Sections 922(g)(1) and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Detective with the NYPD and a Task Force Officer with the ATF. I have been a member of the NYPD for approximately 18 years and a Task Force Office for over eight years. I have been involved in the investigation of numerous cases involving the recovery of firearms and ammunition. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. On or about January 14, 2025, NYPD officers observed the defendant JEAN RIVERA-MERCADO driving a white 2009 Mercedes Benz C300 with New York license plate number LSM5190 (the "Mercedes"), in the vicinity of Beach 33 Street and Seagirt Boulevard in Queens, New York. The NYPD officers observed that the Mercedes had excessively dark tinted windows and a defective rear passenger taillight, both of which are violations under the New York State Vehicle and Traffic Laws. The NYPD officers conducted a traffic stop of the Mercedes and asked RIVERA-MERCADO for his driver's license. Upon a review of New York State Department of Motor Vehicle records, the NYPD officers determined that RIVERA-MERCADO's license was suspended, and he was not permitted to drive a motor vehicle. RIVERA-MERCADO was then placed under arrest.

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

3. An NYPD officer searched the defendant RIVERA-MERCADO's person incident to his arrest and recovered a loaded Smith & Wesson M&P Shield .40 caliber semi-automatic pistol with serial number JBW2041 from the front waistband of RIVERA-MERCADO's pants.

4. I have reviewed the defendant JEAN RIVERA-MERCADO's criminal history. On or about January 25, 2010, RIVERA-MERCADO was convicted in the United States District Court for the District of Puerto Rico, after a guilty plea, of Conspiracy to Possess with Intent to Distribute of at Least 50 but less than 150 Grams of "Crack" Cocaine Within 1,000 Feet of a Protected Location, a Class A felony, in violation of 21 U.S.C. §§ 841(b)(1)(A), 846, and 860. On or about March 29, 2010, he was sentenced to one-hundred and twenty (120) months' custody and ten (10) years' supervised release.

5. I have conferred with an interstate nexus expert, a Special Agent of the ATF, who has informed me, in sum and substance, that the Smith & Wesson M&P Shield .40 caliber semi-automatic pistol with serial number JBW2041 recovered in this case was manufactured outside the State of New York.

WHEREFORE, your deponent respectfully requests that the defendant JEAN RIVERA-MERCADO be dealt with according to law.

A handwritten signature in black ink, appearing to read 'Michael McCarthy', written over a horizontal line.

Michael McCarthy  
Detective  
New York City Police Department

Sworn to before me via telephone on this  
17th day of January, 2025

A solid black rectangular redaction box covering the signature of the magistrate judge.

THE HONORABLE PEGGY KUO  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK